IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

CRP.No. 920 of 2007

AGAINST THE ORDER IN IA.NO.1206/2006 IN OS.114/2004 of SUB COURT, PAYYANNUR

.....

REVN. PETITIONER: APPELLANT/ DEFENDANT NO.1:

MINI JACOB, W/O.JACOB, AGED 34 YEARS,
NOW RESIDING AT KODAYATHUR VILLAGE,
THODUPUZHA TALUK, IDUKKI DISTRICT.

BY ADV. SRI.H.BADARUDDIN
SRI.C.A.JOSEPH

RESPONDENTS: PLAINTIFF/DEFENDANT 2 TO 6:

----

1. THE FEDERAL BANK LTD, CHEMPERI BRANCH,
THROUGH ITS BRANCH MANAGER, ERUVESSI VILLAGE,
P.O.CHEMPERI, KANNUR DISTRICT.

2. ANNAKUTTY, W/O.CHACKO, AGED 59 YEARS,
KOLLIYILL HOUSE, P.O.NADUVIL, KANNUR DISTRICT.

3. K.D.DEVASYA @ BABY, S/O.DEVASIA,
KOLLIYIL HOUSE, P.O.NADUVIL, KANNUR DISTRICT.

4. P.E.THOMAS @ SUNNY, S/O.IMMANUEL,
AGED 40 YEARS, PORANGANAL HOUSE, VILAKKANNUR,
P.O.NADUVIL, KANNUR DISTRICT.

5. ALBIYA JOSE, D/O.CHACKO (MINOR),
KOLLIYIL HOUSE, P.O.NADUVIL, KANNUR DISTRICT.

6. JOSPBIN JOSE, S/O.CHACKO(MINOR)
KOLLIYIL HOUSE, P.O.NADUVIL, KANNUR DISTRICT.
DEFENDANTS 5 AND 6 REPRESENTED THROUGH COURT
GUARDIAN SRI.K.O.PRASOON NAMBIAR, ADVOCATE.

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

==========

C.R.P. No.920 OF 2007

==========

Dated this the 23rd day of October 2007

ORDER

This revision petition is preferred against the order in I.A.No.1206/2006 in O.S.No.114/2004. The petitioner herein is the first defendant. It is the case of the petitioner that she lost her husband and she had shifted her residence to Thodupuzha and she is living with her parents. Summons in the suit was taken out to her address where she was residing with her husband. It is seen that ultimately publication was done in Mathrubhumi Daily and an ex parte decree was passed. There are sufficient reasons, if all these facts are true to interfere with the decision of the court below. But, unfortunately, the petitioner has not mounted the box at all to give any evidence. She is a widow, who has to depend on the parents for her day-today livelihood and the case is filed before the Sub Court, Payyannur. Therefore, I feel an opportunity can be given to her to prove the cause for the delay and for her absence when the suit was decreed ex parte.

Therefore, I set aside the order and direct the court below to consider the delay condonation application as well as the application to set aside the ex parte decree afresh after giving opportunity to the revision petitioner as

well as the first respondent, who is the decree holder bank. Since I am disposing of the revision petition at the admission stage itself, the court below shall give notice to the decree holder before proceeding further in the matter. The parties are directed to appear before the court below on 30.11.2007.

Revision petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-